

House Study Bill 643

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to services and requirements for current and
2 former participants in the child welfare system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5355DP 81
5 jp/gg/14

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1 1 DIVISION I == FOSTER PARENT TRAINING
1 2 Section 1. Section 237.5A, unnumbered paragraph 1, Code
1 3 2005, is amended to read as follows:
1 4 As a condition for initial licensure, each individual
1 5 licensee shall complete thirty hours of foster parent training
1 6 offered or approved by the department. However, if the
1 7 licensee has completed relevant training or has a combination
1 8 of completed relevant training and experience, and the
1 9 department deems such training or combination to be an
1 10 acceptable equivalent to all or a portion of the initial
1 11 licensure training requirement, or based upon the
1 12 circumstances of the child and the licensee the department
1 13 finds there is other good cause, the department may waive all
1 14 or a portion of the training requirement. Prior to annual
1 15 renewal of licensure, each individual licensee shall also
1 16 complete six hours of foster parent training. The training
1 17 shall include but is not limited to physical care, education,
1 18 learning disabilities, referral to and receipt of necessary
1 19 professional services, behavioral assessment and modification,
1 20 self-assessment, self-living skills, and biological parent
1 21 contact. An individual licensee may complete the training as
1 22 part of an approved training program offered by a public or
1 23 private agency with expertise in the provision of child foster
1 24 care or in related subject areas. The department shall adopt
1 25 rules to implement and enforce this training requirement.

1 26 DIVISION II == CHILD ABUSE
1 27 REPORTING == SEX OFFENDER REGISTRY
1 28 Sec. 2. Section 232.68, subsection 2, paragraph i, Code
1 29 Supplement 2005, is amended to read as follows:
1 30 i. Cohabitation with a person on the sex offender registry
1 31 under chapter 692A in violation of section 726.6. The person
1 32 responsible for the care of the child allows an individual who
1 33 the person knows is required to register as a sex offender
1 34 under chapter 692A to share a residence with the child. For
1 35 the purposes of this paragraph, "residence" means the same as
2 1 defined in section 692A.1. This paragraph is applicable
2 2 without regard to the length of time or continuity of the
2 3 sharing of the residence. However, this paragraph is not
2 4 applicable if the individual required to register as a sex
2 5 offender is a child or minor over whom the person responsible
2 6 for the care of a child has custody or control, or if the
2 7 individual is married to and residing with the person.

2 8 DIVISION III == PREPARATION FOR ADULT LIVING PROGRAM
2 9 Sec. 3. NEW SECTION. 234.46 PREPARATION FOR ADULT LIVING
2 10 PROGRAM.
2 11 1. For the purposes of this section, "young adult" means a
2 12 person who is described by all of the following conditions:
2 13 a. The person is a resident of this state.
2 14 b. The person is age eighteen, nineteen, or twenty.
2 15 c. At the time the person became age eighteen, the person
2 16 received foster care services that were paid for by the state
2 17 under section 234.35 or that were funded in whole or in part
2 18 under Title IV-E of the federal Social Security Act, and the
2 19 person is no longer receiving such services.

2 20 d. The person is described by one or more of the
2 21 following:
2 22 (1) Is in full-time attendance at an accredited school
2 23 pursuing a course of study leading to a high school diploma.
2 24 (2) Is attending an instructional program leading to a
2 25 high school equivalency diploma.
2 26 (3) Has been identified by the director of special
2 27 education of the area education agency as a child requiring
2 28 special education as defined in section 256B.2, subsection 1.
2 29 (4) Is homeless or in imminent risk of becoming homeless.
2 30 (5) Is qualified to participate in a postsecondary
2 31 educational or training program or work training.
2 32 (6) Is employed.
2 33 2. The division shall establish a preparation for adult
2 34 living program directed to young adults. The services and
2 35 other support available under the program may include but are
3 1 not limited to any of the following:
3 2 a. Support for the young adult continuing to reside with
3 3 the family that provided family foster care to the young
3 4 adult.
3 5 b. Support for an independent living arrangement.
3 6 c. Support for participation in education, training, or
3 7 employment activities.
3 8 d. Other assistance to enhance the young adult's ability to
3 9 lead a successful, productive life.
3 10 3. This section shall not be construed as granting an
3 11 entitlement for any program, services, or other support for
3 12 the persons described in this section. Any state obligation
3 13 to provide a program, services, or other support pursuant to
3 14 this section is limited to the extent of the funds
3 15 appropriated for the purposes of the program.
3 16 Sec. 4. Section 249A.3, subsection 2, Code Supplement
3 17 2005, is amended by adding the following new paragraph:
3 18 NEW PARAGRAPH. k. As allowed under 42 U.S.C. }
3 19 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-one years
3 20 of age who were in foster care under the responsibility of the
3 21 state on the individuals' eighteenth birthday, and whose
3 22 income is less than two hundred percent of the most recently
3 23 revised official poverty guidelines published by the United
3 24 States department of health and human services. Medical
3 25 assistance may be provided for an individual described by this
3 26 paragraph regardless of the individual's resources.

3 27 EXPLANATION

3 28 This bill relates to services and requirements for current
3 29 and former participants in the child welfare system. The bill
3 30 is organized by divisions.

3 31 DIVISION I == FOSTER PARENT TRAINING. This division
3 32 revises the initial 30-hour training requirement for foster
3 33 parent licensees in Code section 237.5A to allow the
3 34 department of human services (DHS) to waive the requirement.
3 35 In order for the department to grant a waiver, the licensee
4 1 must have completed relevant training or have a combination of
4 2 completed relevant training and experience, and the department
4 3 must deem the training or combination to be an acceptable
4 4 equivalent to all or a portion of the initial licensure
4 5 training requirement, or the department must find there is
4 6 other good cause based upon the individual circumstances of
4 7 the child and the licensee to grant the waiver.

4 8 DIVISION II == CHILD ABUSE REPORTING == SEX OFFENDER
4 9 REGISTRY. This division amends an element of the definition
4 10 of child abuse in Code section 232.68. This definition is
4 11 used for reporting of child abuse and assessments of reports
4 12 by DHS. The element amended by the bill provides that
4 13 cohabitation with a person on the sex offender registry under
4 14 Code chapter 692A in violation of Code section 726.6, relating
4 15 to child endangerment, is child abuse.

4 16 The bill is directed to the person responsible for the care
4 17 of the child, a defined term meaning the parent, guardian,
4 18 foster parent, relative or other person with whom the child
4 19 resides, or other persons providing care for the child. The
4 20 bill provides that it is child abuse if a person responsible
4 21 for the care of a child allows an individual who the person
4 22 knows is required to register as a sex offender to share a
4 23 residence with the child. An exception to the definition,
4 24 similar to the exception in the child endangerment law in Code
4 25 section 726.6, provides that child abuse does not include an
4 26 individual required to register as a sex offender if the
4 27 individual is a child or minor over whom the person
4 28 responsible for the care of a child has custody or control, or
4 29 if the individual is married to and residing with the person.

4 30 DIVISION III == PREPARATION FOR ADULT LIVING PROGRAM. This

4 31 division revises Code chapter 234, relating to child and
4 32 family services. Current law in Code section 234.1 extends
4 33 the term "child" to include a person who is age 18 or 19 and
4 34 is completing a high school diploma or high school equivalency
4 35 diploma, until such diploma is received. In addition, current
5 1 law provides authority in Code section 234.35 for the state to
5 2 pay for certain types of foster care services provided to
5 3 certain persons who are age 18 or older.

5 4 The division establishes a new preparation for adult living
5 5 program. The new program is directed to persons who are
5 6 residents of the state, are young adults who are age 18, 19,
5 7 or 20, and who, at the time of becoming age 18, received
5 8 foster care services paid for by the state under Code section
5 9 234.35 or by the federal government under Title IV-E of the
5 10 federal Social Security Act, and are no longer receiving such
5 11 foster care services; and meet other qualifications.

5 12 Code section 249A.3, providing authority for the department
5 13 to provide Medicaid to certain populations, is amended to
5 14 include individuals younger than age 21 who were in foster
5 15 care upon becoming age 18. An income limit of 200 percent of
5 16 the federal poverty level is required, but a resource
5 17 limitation does not apply.

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